

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/25/2021

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GEORGE AIRDAY,

Plaintiff,

-against-

THE CITY OF NEW YORK and KEITH  
SCHWAM,

Defendants.  
-----X

14-CV-8065 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS the Court held a Final Pretrial Conference on May 20, 2021;

WHEREAS on May 21, 2021, the Court issued an order requiring that the parties submit additional briefing by May 27, 2021, on issues related to Plaintiff's ability to recover damages;

WHEREAS ahead of the FPTC, the Court had sent the parties a draft version of the Preliminary Jury Instructions;

IT IS HEREBY ORDERED that in addition to the damages issues on which the Court has already requested briefing by May 27, 2021, to the extent it is separate from what the parties understood the Court to request, the parties must also brief whether Plaintiff's entering into a stipulation to resolve Charge One in May 2013 bars Plaintiff from recovering damages for any period preceding the stipulation. For the avoidance of doubt, then, the issues on which the Court requests briefing are: (1) whether Plaintiff's stipulation to remain suspended during the pendency of the criminal charges bars Plaintiff from recovering damages for the period during which he was suspended; (2) whether the suspension itself bars Plaintiff from recovering damages for that period; and (3) whether the stipulation into which Plaintiff entered in May 2013 pursuant to which he agreed to pay a fine as a penalty for his failure to provide DOI with the documents

specified in Charge One bars Plaintiff from recovering damages for either the period of his formal suspension or for the period between Defendants' decision to reinstate Charge One and Plaintiff's entering into the stipulation. The parties may each have an additional five pages, bringing their total to **fifteen double-spaced pages**, to brief these issues.

IT IS FURTHER ORDERED that the parties must appear for a teleconference with the Court on **Friday, May 28, 2021, at 2:00 p.m.** to discuss a revised draft of the Preliminary Jury Instructions, which the Court will send by email to the parties. The parties should dial-in using to the conference using (888) 363-4749 // Access code: 3121171# // Security code: 8065#. All of those accessing the conference are reminded that recording or rebroadcasting of the proceeding is prohibited by law.

IT IS FURTHER ORDERED that the trial will be conducted in **Courtroom 24B** of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, NY 10007. Per the Court's prior instructions, the Court strongly recommends that the parties schedule a time to conduct a walkthrough of the courtroom and familiarize themselves with the relevant technology.

**SO ORDERED.**

**Date: May 25, 2021**  
**New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**